

## AFFIDAVIT OF LIFE

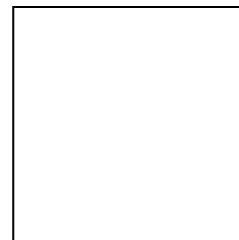
I, John of the family of Doe, Affiant, being over the age of eighteen (18) years, competent to witness does state for the public record the following:

1. That the public record on file with the Office of the Registrar of the Commonwealth of Kentucky located at 123 Main Street, Frankfort, Kentucky shows that the entity known as John Doe took the first breath of life on the twenty-seventh day of the month of April in the year one-thousand nine-hundred and forty-eight (27 April 1948), and
2. That as of the date of this Affidavit of Life the entity known as John Doe is still alive and breathing, and
3. Since the twenty-seventh day of the month of April in the year of one-thousand nine-hundred and sixty-six (27 April 1966) has not surrendered nor abandoned any claims of life nor of any and all claims of estate to include but not limited to JOHN DOE, and
4. That the attachments (Exhibit A and Exhibit B) to this affidavit are considered as Points and Authorities of Law, and
5. Further Affiant saith naught.

I, John of the family of Doe, do affirm that I have read the above affidavit and do know the contents to be true, correct, complete, and not misleading, the truth, the whole truth, and nothing but the truth.

\_\_\_\_\_  
John of the family of Doe

\_\_\_\_\_  
date



Rt. Thumb Print

## WITNESSES

We, the undersigned witnesses, attest that we individually and collectively know the entity known as John Doe to be alive and breathing and that he is not lost beyond the sea, but walks among us upon the land, and that we did witness him affix his autograph to the above AFFIDAVIT OF LIFE and also to place his right thumb print in his own blood upon this document.

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Bill Brown  
General Post Office  
Anytown, Anystate

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Mary Smith  
General Post Office  
Anytown, Anystate

## Exhibit A

### Corpus Juris Secundum

#### Section 16, Page 892:

**FACT OF DEATH:** Death of the person on whose estate administration is sought is a jurisdiction requisite; and while the presumption of death arising from absence may present a prima facie case sufficient to warrant a grant of administration, yet if it subsequently develops that such person was in fact alive, the administration is **void**.

While it is true that the presumption of death arising from a person's absence, unheard from, for a considerable length of time, see "Death Section 6", may present a prima facie case sufficient to warrant a grant of administration on his estate, the arising of such presumption does not take the case out of the operation of the general rule on the subject, and if it is made to appear that the person was in fact alive at the time such administration was granted, the administration is absolutely void. Although, that payment to an administrator of an absentee who is not in fact dead is no defense against the absentee or his legal representative, nor are costs and disbursement incurred by such administrator a legal charge against the absentee or his property; but where the administrator has paid debts of the absentee, he is subrogated to the rights of the creditors whom he has paid. It has been considered, however, that the invalidity of the administration does not relate back, but that it is invalid only the time when the presumption of death is rebutted.

## Exhibit B



# Cestui Que Vie Act 1666

## 1666 CHAPTER 11

An Act for Redresse of Inconveniencies by want of Proofof the Deceases of Persons beyond the Seas or absenting themselves, upon whose Lives Estates doe depend.

### Annotations:

#### Editorial Information

**X1** Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out above and below.

#### Modifications etc. (not altering text)

**C1** Short title “The Cestui que Vie Act 1666” given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

**C2** Preamble omitted in part under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

**C3** Certain words of enactment repealed by [Statute Law Revision Act 1888 \(c. 3\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)

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### **I] Cestui que vie remaining beyond Sea for Seven Years together and no Proof of their Lives, Judge in Action to direct a Verdict as though Cestui que vie were dead.**

If such person or persons for whose life or lives such Estates have beene or shall be granted as aforesaid shall remaine beyond the Seas or elsewhere absent themselves in this Realme by the space of seaven yeares together and noe sufficient and evident proofof be made of the lives of such person or persons respectively in any Action commenced for recovery of such Tenements by the Lessors or Reversioners in every such case the person or persons upon whose life or lives such Estate depended shall be accounted as naturally dead, And in every Action brought for the recovery of the said Tenements by the Lessors or Reversioners their Heires or Assignes, the Judges before whom such Action shall be brought shall direct the Jury to give their Verdict as if the person soe remaining beyond the Seas or otherwise absenting himselfe were dead.

### **II] ..... F1**

### Annotations:

#### Amendments (Textual)

F1 S. II repealed by Statute Law Revision Act 1948 (c. 62), Sch. 1

III] ..... F2

**Annotations:**

**Amendments (Textual)**

F2 S. III repealed by Statute Law Revision Act 1863 (c. 125)

**IV] If the supposed dead Man prove to be alive, then the Title is revested. Action for mean Profits with Interest.**

x2 Provided always That if any person or [x3 person or] persons shall be evicted out of any Lands or Tenements by vertue of this Act, and afterwards if such person or persons upon whose life or lives such Estate or Estates depend shall returne againe from beyond the Seas, or shall on prooffe in any Action to be brought for recovery of the same [to] be made appeare to be liveing; or to have beene liveing at the time of the Eviction That then and from thenceforth the Tennant or Lessee who was outed of the same his or their Executors Administrators or Assignes shall or may reenter repossesse have hold and enjoy the said Lands or Tenements in his or their former Estate for and dureing the Life or Lives or soe long terme as the said person or persons upon whose Life or Lives the said Estate or Estates depend shall be liveing, and alsoe shall upon Action or Actions to be brought by him or them against the Lessors Reversioners or Tennants in possession or other persons respectively which since the time of the said Eviction received the Proffitts of the said Lands or Tenements recover for damages the full Proffitts of the said Lands or Tenements respectively with lawfull Interest for and from the time that he or they were outed of the said Lands or Tenements, and kepte or held out of the same by the said Lessors Reversioners Tennants or other persons who after the said Eviction received the Proffitts of the said Lands or Tenements or any of them respectively as well in the case when the said person or persons upon whose Life or Lives such Estate or Estates did depend are or shall be dead at the time of bringing of the said Action or Actions as if the said person or persons where then liveing.]

**Annotations:**

**Editorial Information**

X2 annexed to the Original Act in a separate Schedule

X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: *O.* omits [*O.* refers to a collection in the library of Trinity